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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/261,621	03/03/1999	URESH K VAHALIA		7971

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 03/18/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

27

**Advisory Action**

Application No.

09/261,621

Applicant(s)

VAHALIA ET AL.

Examiner

Dustin Nguyen

Art Unit

2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see below.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-50.

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: see below.

JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

1. As per remarks, Applicants' argued that (1) the cited references fail to show a file server corresponding to a user of client request for metadata about a file or a request for access to a file by returning metadata including information specifying data storage locations in the file server for storing data of the file or metadata of the file including information specifying data storage locations in a cached disk array for storing data of the file. A file name does not specify data storage locations in the file server for storing data of the file. [ Remarks, page 42, lines 19-page 43, lines 2 ]
2. As to point (1), Applicants' argument discloses "information information data storage locations in the file server for storing data of the file" by describing that the applicants' file server providing a user with "pointers to where the data to be accessed is stored in the file system" [ Remarks, page 22, lines 8-17 ]. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., pointers ) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
3. As per remarks, Applicants' argued that (2) the hindsight nature of the proposed combination is improper.
4. As to point (2), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *in re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).
5. As per remarks, Applicants' argued that (3) Schmuck's metadata caching occurs in a multi-processor system for cache coherency, and not between a network client and a data mover or file server for the network client. Moreover, although Schmuck discloses that a version number is associated with each metadata update, Schmuck fails to show a client sending a metadata request including a version identifier so that the data mover or file server may compare the version identifier in the request to the version identifier of the most recent version of metadata that the data mover or file server has in order to return the most recent version of the metadata to the client when the client does not have the most recent metadata of the file.
6. As to point (3), Schmuck discloses quota server and quota client [ col 44, lines 59-col 45, lines 20 ]. Furthermore, Schmuck discloses a version identifier [ i.e. version number for update ] [ col 43, lines 61-64 ].
7. As per remarks, Applicants' argued that (4) Goldberg is not a data mover computer or any kind of layer that would perform a file server function such as mapping logical addresses in a file to data storage locations. Goldberg does not concern a file server or bypassing a data mover computer.
8. As to point (4), Goldberg discloses the above limitation [ i.e. bypass the data object layer ] [ col 10, lines 47-52 ]. Furthermore, Goldberg discloses the function of mapping [ i.e. logically maps ] [ col 4, lines 34-38 ].